

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

STATE OF INDIANA,

Plaintiff,

v.

CAUSE NO. IP99-0853-Y/S

SENIOR CITIZENS REMODELING, INC.,

SENIOR CITIZENS REMODELING OF  
INDIANA, INC.,

HARVEY JACK WALLER,

ROBERT OLSON, SR.,

ROBERT OLSON, JR.,

SENIOR INCOME REVERSE MORTGAGE  
CORPORATION,

STEVE BAER,

JEFF HOSTETTER,

COMMUNITY ACTION INCORPORATED,

CINDY ZEIGLER BOBOLZ, and

Defendants.

PLAINTIFF'S OPPOSITION TO MOTION TO ADMIT  
HARVEY JACK WALLER PRO HAC VICE

Plaintiff, State of Indiana, by counsel Attorney General Jeffrey A. Modisett by  
his deputies, Theresa A. Stevens, Roy P. Coffey, and Mary Ann WehmueUer, hereby

oppose the Motion to Admit *Pro Hac Vice* filed by Harvey Jack Waller on or about August 24, 1999, for the following reasons:

1. Harvey Jack Waller is a Defendant in this matter, and seeks permission to represent several other Defendants, including Robert Olson, Sr., Robert Olson, Jr., and Senior Citizens Remodeling, Inc. Plaintiff named Waller as a Defendant because he was instrumental in arranging the discriminatory scheme which resulted in the ~~injuries alleged in the Complaint. Although Waller is an attorney, his involvement in~~ creating the scheme flowed from his individual actions and from his role as a principal of Senior Citizens Remodeling, Inc. Allowing Waller to represent other Defendants might have the collateral effect of creating privilege and impeding discovery. Plaintiff can readily envision the possibility that its discovery requests to Waller or his proposed clients would be met with objections on the ground of privilege, and would create the difficult situation of trying to discriminate between Waller's involvement as an attorney and Waller's involvement as a Defendant. In short, Plaintiff believes that allowing Waller to appear *pro hac vice* as attorney for the other Defendants would unfairly impede the State's ability to prove its case through discovery.

2. Waller's proposed representation of himself as a Defendant and of other Defendants may violate Rule 1.7(b) of the Indiana Rules of Professional Conduct, which have been adopted by the Courts of this District pursuant to L. R. 83.5(f). Rule 1.7(b) prohibits an attorney from representing a client if the representation of that client may be materially limited by the lawyer's own interests. While this prohibition may, in

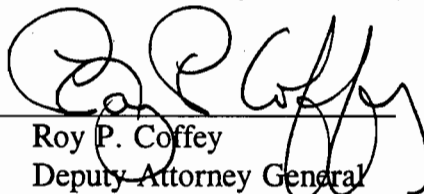
certain circumstances, be waivable, Plaintiff believes that waiver in this case would be untenable.


3. Finally, Waller has failed to name local counsel in his *pro hac vice* motion. Although local counsel is discretionary, the State urges the Court to issue an order pursuant to L.R. 83.5(d) requiring local counsel in this case. All other parties who have appeared to date have retained local counsel.


WHEREFORE, Plaintiff respectfully requests that the Motion to Admit Harvey Jack Waller *Pro Hac Vice* be denied, and for all other appropriate relief.

Respectfully submitted,

JEFFREY A. MODISSETT  
Indiana Attorney General

By:   
Roy P. Coffey  
Deputy Attorney General

By:   
Mary Ann Wehmueeller  
Deputy Attorney General

By:   
Theresa A. Stevens  
Deputy Attorney General

CERTIFICATE OF SERVICE

I do hereby certify having served a true copy of the foregoing upon the following party by United States mail, First Class, postage prepaid, on this 25th day of August, 1999:

Senior Citizens Remodeling, Inc.  
2138 S. 61st Court  
Cicero, IL 60804

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Indianapolis, IN 46204-3000

Harvey Jack Waller  
30 N. LaSalle Street  
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Robert Olson, Sr.  
11850 Haegers Bend Road  
Barrington, IL 60010

Robert Olson, Jr.  
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